

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

C.F. DOE,

Plaintiff,

v.

Civil Case No. 21-11136
Honorable Linda V. Parker

DETROIT PUBLIC SCHOOLS
COMMUNITY DISTRICT and
SAMMIE EDWARDS,

Defendants.

/

**OPINION AND ORDER GRANTING DEFENDANT DETROIT PUBLIC
SCHOOLS COMMUNITY DISTRICT'S MOTION FOR LEAVE TO FILE
EXHIBIT IN THE TRADITIONAL MANNER AND UNDER SEAL [ECF
No. 19]**

Plaintiff, a minor student, brought this action against Defendants Detroit Public Schools Community District (“DPSCD”) and Sammie Edwards alleging civil rights violations under 42 U.S.C. § 1983 and state law claims. (ECF No. 1.) The matter is presently before the Court on DPSCD’s (Second Amended) Ex Parte Motion For Leave To File Exhibit In The Traditional Manner and Under Seal.¹ (ECF No. 19.)

¹ On August 19, 2021, DPSCD originally filed an ex parte motion requesting to file an exhibit in a traditional manner. (ECF No. 13.) DPSCD’s original motion omitted to request that the exhibit be filed under seal. (*See Id.*) On August 26, 2021, DPSCD filed an amended motion to “File Exhibit in the Traditional Manner

DPSCD asks the Court to allow it to file a flash drive containing video of the incident on which Plaintiff's Complaint is based in support of DPSCD's pending motion to dismiss. (*Id.* at Pg ID 279.) The video cannot be filed electronically. DPSCD asks that it also be filed under seal because it captures the faces and bodies of public school students simultaneously with the conduct of C.F. Doe and Defendant Sammie Edwards, and said conduct cannot be redacted or separated from the images of the students. (*Id.*) DPSCD states that the Family Educational Rights and Privacy Act ("FERPA") protects educational records or personally identifiable information from improper disclosure. (*Id.* citing *Doe v Cnty. Bd. Of Educ.*, 213 F.3d 921, 926 (6th Cir. 2000).) FERPA broadly defines "education records" as "those records, files, documents, and other materials which (i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution." (*Id.* at 280 citing 20 U.S.C. § 1232g(a)(4)(A).) Plaintiff has not objected to this motion and did not object to the previous motions. (See ECF Nos. 13,14.) Thus, DPSCD requests a seal to protect the privacy of the school students, and to permit them to comply with its legal duty to not disclose students faces and bodies which constitute personally identifiable information.

Under Seal." (ECF No. 14.) DPSCD's current motion is a second amended motion to file an exhibit in the traditional manner under seal. (ECF No. 19.) Thus, on October 19, 2021, the Court denied ECF Nos. 13 and 14 as moot.

The Court concludes that the video must be filed in the traditional manner and under seal.

Accordingly,

IT IS ORDERED that Defendant DPSCD's Second Amended Ex Parte Motion for Leave To File Exhibit In The Traditional Manner and Under Seal is **GRANTED**;

IT IS FURTHER ORDERED that Defendant DPSCD shall deliver the flash drive of the video to the Clerk's Office and submit a copy directly to chambers.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: October 21, 2021